

CARELLA, BYRNE, CECCHI, OLSTEIN, BRODY & AGNELLO, P.C.

COUNSELLORS AT LAW

CHARLES C. CARELLA
BRENDAN T. BYRNE
PETER G. STEWART
ELLIOT M. OLSTEIN
ARTHUR T. VANDERBILT, II
JAN ALAN BRODY
JOHN M. AGNELLO
CHARLES M. CARELLA
JAMES E. CECCHI

JAMES T. BYERS
DONALD F. MICELI
A. RICHARD ROSS
CARL R. WOODWARD, III
MELISSA E. FLAX
DAVID G. GILFILLAN
G. GLENNON TROUBLEFIELD
BRIAN H. FENLON
LINDSEY H. TAYLOR
CAROLINE F. BARTLETT

**5 BECKER FARM ROAD
ROSELAND, N.J. 07068-1739
PHONE (973) 994-1700
FAX (973) 994-1744
www.carellabyrne.com**

RICHARD K. MATANLE, II
FRANCIS C. HAND
AVRAM S. EULE
RAYMOND W. FISHER
OF COUNSEL

RAYMOND J. LILLIE
WILLIAM SQUIRE
ALAN J. GRANT*
STEPHEN R. DANEK
DONALD A. ECKLUND
MEGAN A. NATALE
AMANDA J. BARISICH
ZACHARY S. BOWER+
MICHAEL CROSS

JAMES D. CECCHI (1933-1995)
JOHN G. GILFILLAN III (1936-2008)

*MEMBER NY BAR ONLY
+MEMBER FL BAR ONLY

April 10, 2013

VIA ECF

The Honorable Cathy L. Waldor, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *In re Merck & Co., Inc. Secs., Deriv. and ERISA Litig.,*
Civil Action No. 05-2367 (SRC)(CLW)

Dear Judge Waldor:

We, along with Co-Lead Counsel, represent the Lead Plaintiffs in the above-referenced action, and write to respectfully request that the Court adjourn the conference on discovery issues that is currently scheduled for 10:30 a.m. on April 15, 2013. Defendants have consented to this request.

We also write to note that an open issue from the last status conference held on January 28, 2013 remains pending before the Court. During the conference, Defendants submitted to Your Honor for *in camera* review documents that Merck produced to the U.S Department of Justice which Defendants considered non-responsive to Plaintiffs' discovery requests. Defendants stated during the conference that if the Court determined the documents were responsive they would not object to producing them to Plaintiffs.

Aside from this issue, Plaintiffs are unaware of any matters that currently require the attention of the Court. Thank you for your continued attention to this matter. If the Court has any questions, we are available at your convenience.

Respectfully submitted,

CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO

/s/ James E. Cecchi

JAMES E. CECCHI

cc: Counsel of Record (by ECF)